

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

BELVA SMITH

Plaintiff,

v.

Case No. 2:15-cv-257

**FALLS COLLECTION SERVICE, INC.,
and
ACCOUNT RECOVERY SERVICE, INC.**

Defendants.

ELIZABETH DAVIS

Plaintiff,

v.

Case No. 2:15-cv-436

**FALLS COLLECTION SERVICE, INC.,
and
ACCOUNT RECOVERY SERVICE, INC.**

Defendants.

**UNOPPOSED MOTION TO CONSOLIDATE PURSUANT TO FEDERAL RULE OF
CIVIL PROCEDURE 42(A) AND TO AMEND SCHEDULING ORDER**

Defendant Falls Collection, Service, Inc. d/b/a Financial Control Solutions ("FCS"), through its undersigned counsel, hereby moves to consolidate the case captioned *Belva Smith v. Fall Collection Service, Inc., et al.*, 15:cv-257, currently pending in this Court before the Honorable Magistrate Judge William Duffin, with the case captioned as *Elizabeth Davis v. Falls Collection Service, Inc., et al.*, 15-cv-436, a related action which is also pending in this Court

before the Honorable Magistrate Judge Nancy Joseph. In support of this Motion, FCS states as follows:

1. Rule 42(a) of the Federal Rules of Civil Procedure vests this Court with discretion to consolidate actions that involve a common question of law or fact.

2. Here, the subject actions meet the criteria for consolidation. Both arise out of claims of discrimination based on similar factual allegations, as demonstrated by the similarity of the Complaints. There is likely to be substantial overlap in the witnesses and documents in each case, as suggested by the parties' virtually identical Rule 26(a) initial disclosures exchanged in both cases. Thus, consolidation will promote judicial economy, timeliness, and convenience.

3. Conversely, there is no indication that consolidation will result in inconvenience, prejudice, or delays. Both cases are in the same procedural posture and stage of litigation. Consolidation will simply reduce or eliminate unnecessary discovery and motions and reduce two consecutive trials to one.

4. Pursuant to Civil L. R. 42, if this Motion is granted the judge to whom the lowest numbered case is assigned will handle all future proceedings covered by the consolidation order. Thus, if this motion is granted, the Honorable Magistrate Judge William E. Duffin will handle all future proceedings in these cases. However, should this Motion be granted, the parties request that the Scheduling Order of the consolidated cases reflect the remaining dates set forth in the Minute Sheet from the Rule 16 Conference issued in the *Davis* case (Case 15-cv-436, Doc. 19.)

5. None of the parties to this case opposes this Motion for Consolidation.

WHEREFORE, Defendant Falls Collection Service, Inc. d/b/a Financial Control Solutions, respectfully requests an Order consolidating the above-captioned case with *Elizabeth*

Davis v. Falls Collection Services, et al., 15-cv-436, amending the Scheduling Order in this case, and for such further relief as this Court deems proper.

Respectfully submitted this 29th day of January, 2016.

For Defendant Falls Collection Service,
Inc., d/b/a Financial Control Solutions

/s/ Emily A. Constantine

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